

REMARKS

Claims 1, 2, 4 through 8, 10 through 14, 16 through 20, and 22 through 24 are currently pending in the application.

Claims 3, 9, 15, and 21 have been canceled.

Claims 1, 2, 4 through 8, 10 through 14, 16 through 20, and 22 through 24 have been rejected.

Applicants have amended no claims, and respectfully request reconsideration of the application as amended herein.

This amendment is in response to the Final Rejection in the Office Action of March 6, 2006.

35 U.S.C. § 102(e) Anticipation Rejections

Anticipation Rejection Based on Sakaki et al. (U.S. Patent Publication No. 2003/0017652)

Claims 1, 2, 4 through 8, 10 through 14, 16 through 20, and 22 through 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application Publication US 2003/0017652 A1.

Applicants assert that 35 U.S.C. § 102 states that [a] person shall be entitled to a patent unless--

35 U.S.C. § 102(e) the invention was described in --(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the application for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

Applicants assert that the effective filing date of this application is February 25, 2002.

Applicants assert that the effective date of the Sakaki et al. United States Patent Application Publication is January 23, 2003, the publication date thereof, not the September 24,

2002 filing date thereof, not the January 28, 2000, filing date of the parent application No. 09/493,279, and not the February 15, 1999, filing date of the Japanese application serial No. 11-035784.

Applicants assert that the February 15, 1999, filing date of the Japanese application serial No. 11-035784 is not after November 29, 2000, that the prior application 09/493,279 was not published by United States Patent and Trademark Office, and that the Sakaki et al. application publication date of January 23, 2003, is the date when the Sakaki et al. application is available as prior art under 35 U.S.C. § 102(e).

Applicants assert that the Sakaki et al. publication is not prior art to the presently pending application under 35 U.S.C. § 102(e) either because the publication date of January 23 2003, of the Sakaki et al. reference is after the effective filing date of February 25, 2002, of the present application or because Sakaki et al is a publication and not a United States Patent or because there has been no showing that the Sakaki et al. application filed in Japan has been filed as an international application after November 29, 2000, published in the English language. (See M.P.E.P. § 706.02(a) B. 35 U.S.C. § 102(e) and M.P.E.P. § 2136.03 Critical Reference Date I. FOREIGN PRIORITY DATE.)

Applicants assert that the Sakaki et al. reference is not prior art under any circumstances to the present application under 35 U.S.C § 102(e).

Therefore, the rejection of claims 1, 2, 4 through 8, 10 through 14, 16 through 20, and 22 through 24 must be withdrawn based upon the Sakaki et al. reference under 35 U.S.C. § 102(e) as it is not prior art to the present application.

Accordingly, Applicant request the Final Rejection be withdrawn and claims 1, 2, 4 through 8, 10 through 14, 16 through 20, and 22 through 24 allowed.

Applicants request entry of this amendment for the following reasons:

The amendment is timely filed.

The amendment places the application in condition for allowance.

The amendment does not require any further search or consideration as no claims are amended.

Applicants submit that claims 1, 2, 4 through 8, 10 through 14, 16 through 20, and 22 through 24 are clearly allowable over the cited art.

Applicants request the entry of this amendment, the allowance of claims 1, 2, 4 through 8, 10 through 14, 16 through 20, and 22 through 24, and the case passed for issue.

Respectfully submitted,



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